



**METROPOLITAN
TRANSPORTATION
COMMISSION**

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Memorandum

TO: Administration Committee

DATE: November 5, 2008

FR: General Counsel

W.I.: N/A

RE: Contract Amendment - Special Counsel, Remy, Thomas, Moose, and Manley, LLP (Remy)

Staff requests this Committee's approval of a sole source contract amendment with the law firm of Remy, Thomas, Moose, and Manley, LLP, for an amount not to exceed \$32,000.

Background

MTC staff is currently updating the Regional Transportation Plan (Transportation 2035 Plan). As part of that process, an Environmental Impact Report (EIR) must be prepared as required by the California Environmental Quality Act (CEQA). Staff hopes to have a draft EIR for public review and comment before the end of December. The EIR and the RTP are scheduled for adoption by the Commission in March 2009.

Although work on the EIR is already well underway, MTC received a late letter from the Attorney General's Office dated October 1, 2008, offering comments on portions of the proposed Transportation 2035. To assist staff with responding quickly to the comments, we retained the services of the law firm of Remy, Thomas, Moose and Manley, LLP (Remy), on a short term basis, for an amount not to exceed \$8,000, to help staff prepare a presentation to the Attorney General's staff. We chose the Remy firm on a sole source basis because: (1) the firm has a well-earned reputation for being experts on CEQA law; (2) the firm previously represented the Commission in an air quality litigation case, and (3) assistance was needed immediately. With Remy's help, staff was able to quickly prepare a very extensive and comprehensive presentation to the Attorney General's staff on October 31st that addressed many of the comments in the October 1 letter.

In order to move the EIR process along, staff recommends that we secure additional assistance from Remy for the EIR preparation process beyond just responding to the Attorney General's comment letter is required. Again because of the time constraints, with the need to get a draft EIR ready for release in December in time for its approval along with Transportation 2035 in March 2009, we are asking the Committee to approve a sole source contract amendment with Remy, in an amount not to exceed \$32,000 (including the \$8,000 already previously committed, for a contract amount not to exceed \$40,000), to provide CEQA legal review. The specific partners of the Remy law firm who will be helping staff are Tina Thomas, who was our lead special counsel in the earlier-referenced air quality litigation case, and Tiffany Wright, who

provided the principal assistance in helping staff with the October 31st presentation to the Attorney General's staff.

Recommendation:

We recommend that this Committee authorize the General Counsel to negotiate, and for the Executive Director or his designated representative to enter into, a contract amendment with Remy, Thomas, Moose, and Manley, LLP, for a total not to exceed \$32,000, for work as outlined above in this memorandum.

Francis Chin

FC:rc

REQUEST FOR COMMITTEE APPROVAL

Summary of Proposed Legal Services Contract Amendment

Work Item No.:

Law Firm: Remy, Thomas, Moose, and Manley, LLP
Sacramento, CA

Work Project Title: Special Counsel – Environmental Impact Report (EIR) Assistance

Purpose of Project: Advise Office of the General Counsel regarding the EIR for the
Regional Transportation Plan (Transportation 2035 Plan)

Project Cost Not to Exceed: \$32,000 – this amendment (previous contract = \$8,000)

Funding Source: Legal Contingency Fund

Fiscal Impact: In FY 08-09's litigation contingency budget.

Motion by Committee: That the General Counsel is authorized to negotiate and the
Executive Director or his designated representative is authorized to
enter into a contract amendment Executive Director or his designee
is authorized to negotiate and enter into a contract with Remy,
Thomas, Moose, and Manley, LLP to provide EIR assistance as
Special Counsel, and the Chief Financial Officer is directed to set
aside funds for such contract amendment.

Administration Committee:

Tom Bates, Chair

Approved: Date: November 12, 2008